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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)Docket UW-041384
Complainant,)Volume I
)Pages 1-7

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v.

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RAINIER VIEW WATER COMPANY, INC.,)
Respondent.)

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A pre-hearing conference in the

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above-entitled matter was held at 1:30 p.m. on

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Monday, November 29, 2004, at 1300 South

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Evergreen Park Drive, S.W., Olympia, Washington,

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before Administrative Law Judge DENNIS MOSS.

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The parties present were as follows:

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COMMISSION STAFF, by Lisa Watson,
Assistant Attorney General, 1400 S. Evergreen Park
Drive, S.W., P.O. Box 40128, Olympia, Washington,
98504-1028.

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RAINIER VIEW WATER COMPANY, INC., by
Richard Finnigan, Attorney at Law, 2405 Evergreen
Park Drive, S.W., Suite B-1, Olympia, Washington
98502.

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Barbara L. Nelson, CCR

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Court Reporter

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1 JUDGE MOSS: On the record. Good afternoon.
2 We're convened for our pre-hearing conference in the
3 case styled WUTC against Rainier View Water Company,
4 Inc., Docket Number UW-041384. Let's first take
5 appearances. Mr. Finnigan.

6 MR. FINNIGAN: Thank you. Richard Finnigan,
7 appearing on behalf of Rainier View Water Company,
8 Inc. My address is 2405 Evergreen Park Drive S.W.,
9 Suite B-1, Olympia, Washington, 98502. My telephone
10 number is 360-956-7001; the main fax is 360-753-6862,
11 and my e-mail is rickfinn@ywave.com.

12 JUDGE MOSS: Ms. Watson.

13 MS. WATSON: Good afternoon. I'm Lisa
14 Watson, Assistant Attorney General, appearing on
15 behalf of Commission Staff. My address is 1400 South
16 Evergreen Park Drive, S.W., P.O. Box 40128, Olympia,
17 Washington, 98504-0128. My telephone number is
18 360-664-1186. My fax is 360-586-5522, and my e-mail
19 is lwatson@wutc.wa.gov.

20 JUDGE MOSS: Thank you. I think the first
21 order of business really will be to get a status
22 report. As this case landed on my docket, the
23 information I had was that there was some discussion
24 about settlement, that it was even said to me that it
25 was likely the case will settle. Since we were

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1 several months into the suspension period, we wanted
2 to go ahead and schedule a pre-hearing conference so
3 that we could monitor things and take any steps that
4 are necessary to make sure we have an adequate
5 opportunity to resolve the case by whatever means.

6 So if one or both of you wish to speak to
7 prospects or the status of the matter, I'd appreciate
8 it.

9 MR. FINNIGAN: I'll be happy to. I think
10 that this matter will settle. I think the biggest
11 impediment to it not having settled yet is Mr.
12 Kermode was extremely busy with the Verizon case and,
13 for that reason, hasn't yet had time to devote to
14 this matter, understandably.

15 So I think we ought to be able to resolve it
16 here fairly quickly and be able to present a
17 settlement for the Commission's consideration.

18 JUDGE MOSS: Okay.

19 MS. WATSON: I think Mr. Finnigan fairly
20 summed it up. Staff believes that this is a case we
21 can work with the company and move towards
22 settlement.

23 JUDGE MOSS: Yeah, and I assume, then, that
24 includes the point that Mr. Kermode, Staff's analyst
25 on the case, has been otherwise occupied. So let me

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1 ask what sort of time frame you all anticipate.
2 Certainly, you can consult with Mr. Kermode, who's
3 here, and see if we can get some sense of when you
4 all might be able to get together and work on this.

5 MS. WATSON: Staff had put together a case
6 schedule, just in case we needed one, and we were
7 anticipating that we'd be able to wrap it up before
8 the company would present its direct case. I
9 penciled in February 8th for that date, so about two
10 months or so.

11 MR. FINNIGAN: Essentially, we would need to
12 know probably a week or so ahead of that date that we
13 were settling so we aren't writing testimony.

14 JUDGE MOSS: Sure.

15 MS. WATSON: Right.

16 MR. FINNIGAN: So obviously, over the
17 holidays, there will be, again, some impediments to
18 wrapping it up, but certainly we should be able to
19 get it done during the month of January.

20 JUDGE MOSS: Did you have a schedule
21 prepared there, something proposed?

22 MS. WATSON: A proposed schedule. That
23 schedule anticipates a waiver of the statutory
24 deadline, which we haven't been able to agree on that
25 yet. Mr. Finnigan hasn't been able to contact

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1 someone at the company. The reason why I built that
2 into the schedule, it's 21 days extra, I think July
3 21st is the day that I've written down there. The
4 month of May is pretty limited, from my perspective,
5 anyway. I'm actually getting married in May, so --

6 JUDGE MOSS: Congratulations.

7 MS. WATSON: Thank you. But I'll be gone
8 for about three weeks, and so that's why I built that
9 into the schedule, just so that we'd be able to do
10 the briefing if we had to get that far.

11 JUDGE MOSS: Well, it seems to me that
12 perhaps the appropriate thing to do will be -- the
13 company has not filed a direct case. If I set this
14 date, say February 8, for that event, that would
15 provide some additional incentive on all the parties'
16 parts to get this thing wrapped up by settlement if
17 that's possible. And so I -- why don't I set that
18 date.

19 MS. WATSON: Okay.

20 JUDGE MOSS: And if things need adjusting,
21 then remind me. You can let me know or I'll let you
22 know that I'm uncomfortable with not having heard
23 that the status of the case has changed. So I'll set
24 that date and I'll just go ahead and set the response
25 date for Staff, as indicated here, on March 10th.

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1 MS. WATSON: Okay.

2 JUDGE MOSS: And I may go ahead and set a
3 hearing date. I'll have to look at the calendar. I
4 don't have my calendar with me. I'll call these
5 dates pro forma, to use a familiar term in a
6 different way than it's normally used. And I'm sure
7 you all will keep me in touch with what's going on.

8 But, again, this is three months into the
9 suspension period, so we want to be sure to give you
10 the opportunity to pursue your discussions, but at
11 the same time not let things run too long without
12 achieving resolution.

13 Is there any other business we need to
14 conduct?

15 MS. WATSON: None from Staff.

16 JUDGE MOSS: Are you all cooperating well
17 with each other in terms of any discovery and that
18 sort of thing? Want to say anything about that?

19 MS. WATSON: As far as I know, it's been
20 fine.

21 MR. FINNIGAN: I don't think so. Company
22 has responded to all of Staff's requests, as far as I
23 know.

24 JUDGE MOSS: All right, fine. Okay. In
25 terms of ultimately, whether on the basis of the

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1 settlement or on the basis of a hearing, would the
2 company want to waive the initial order?

3 MR. FINNIGAN: I suspect we will, but Ms.
4 Watson and I didn't make contact until 12:45 today,
5 and I couldn't reach the company.

6 JUDGE MOSS: All right. I'll be optimistic
7 and assume, for the moment, that you achieve a
8 settlement, if you would be mindful of the importance
9 of waiving that initial decision if you do that so we
10 can go straight to the Commissioners with it and get
11 it resolved quickly.

12 Okay. Well, if there's no further business,
13 then, it's not quite a record for me, but close.
14 We're off the record.

15 (Proceedings adjourned at 1:38 p.m.)

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